



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,083	06/06/2001	Dean C. Marchand	COS-99-012	6214
25537	7590	07/01/2005		
MCI, INC 1133 19TH STREET NW WASHINGTON, DC 20036			EXAMINER DEANE JR, WILLIAM J	
			ART UNIT	PAPER NUMBER
			2642	
DATE MAILED: 07/01/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/875,083	Applicant(s) MARCHAND ET AL.	
	Examiner William J. Deane	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,7-14,17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,7-14 & 17-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 4, 8 – 12, 14 and 17 - 18 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,307,926 (Barton et al.).

Barton et al. disclose a system for detection and prevention of telecommunications fraud prior to call connections. Barton et al. discloses a fraud analysis system 22, an SCP 16, an LEC and an IXC. As shown below, the databases of the IXC and LEC are mutually accessible to pass and obtain information.

With respect to claims 1, 4, 10 – 11 and 17, note Col. 7, lines 10 – 55. Note that the SCP in the IXC has a database containing originating phone numbers (note Col. 4, lines 56 – 63), with respect to “special service numbers”, note the use of calling card numbers, which are usually 1-800 numbers (in addition, note the use of hotel numbers; typically 1-800). Additionally, note page 6, line 16 of the instant application). With respect to subsequent calls, note that there is a post fraudulent analysis (see Col. 6, lines 19 – 30) and pre-connect screening and FEP 200, see Col.7, lines 32 – 65. With respect to blocking, note Col. 6, lines 26 – 30, among others. With respect to providing the suspicious originating phone number to another database accessible by the LEC,

Art Unit: 2642

note that the IXC provides the LEC with pre-connect fraud screening (Col. 7, lines 38 – 46) which includes originating numbers. Certainly, the LEC can access its own database. In addition, note the “alternatively and additionally” language, indicating more databases to store information (Col. 7, lines 17 – 24). Additionally, note Col. 7, lines 52 – 55, where the LEC has access to the SCP database.

With respect to claim 2, note SCPMS 18 in Fig. 1.

With respect to claims 3 and 18, note Col. 9, lines 42 – 44.

With respect to claims 8 and 9, note use of Signaling System 7 (SS7) at Col. 5, lines 43 – 45.

With respect to claim 12, note Col. 6, lines 48 – 54.

With respect to claim 14, note ARMS 20 and Col. 11, line 62 – line 13.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barton et al. in view of the instant application.

With respect to claim 5 and “threshold”, note Col. 3, lines 18 – 25 and Col. 11, line 67 – Col. 12, line 2. Using a threshold would come under “any variety of fraud screening.”

With respect to claims 7 and 13, note that Barton et al. deals with calling cards (see Col. 4, lines 39 – 42). Note that Fig. 1, which is prior art (see page 7, lines 29 – 30) and page 4, lines 1 – 13. Therefore, the limitations of claims 7 and 13 appear to be inherent in Barton et al. If this is not agreed, then certainly, the inclusion of such limitations into Barton et al. would have been obvious to one of ordinary skill in the art as such limitations are old and well known in the art in the use of calling cards.

Response to Arguments

Applicant's arguments with respect to claims 1 – 5, 7 – 14 and 17 - 18 have been considered but are not deemed persuasive to any error in the rejections above.

Applicant argues in reference to, "providing the suspicious originating phone number to another database accessible by the local exchange carrier network". However, this claim is so broad because any database can be accessible by a local exchange carrier network with the right permissions. For example, a local exchange has a backup database (possible serviced by another company) that would inherently contain the suspicious originating phone number and would be accessible by the local exchange.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

Art Unit: 2642

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9306.

27Jun05


WILLIAM G. DEANE, JR.
PRIMARY EXAMINER